

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 CITIZENS FOR CLEAN AIR, *et al.*,

CASE NO. C16-0857-JCC

10 Plaintiffs,

ORDER

11 v.

12 SCOTT PRUITT, *et al.*,

13 Defendants.  
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15 This matter comes before the Court on Defendants' unopposed motion to terminate  
16 consent decree and dismiss the case (Dkt. No. 41). Having thoroughly considered the parties'  
17 briefing and the relevant record, the Court hereby GRANTS the motion for the reasons explained  
18 herein.

19 On January 5, 2017, the Court granted the parties' joint motion to enter a consent decree  
20 (Dkt. No. 32.) Under the consent decree, Defendants could move the Court to terminate the  
21 decree and dismiss the case if they had signed a notice of final rulemaking on their proposal to  
22 approve, disapprove, or conditionally approve, in whole or in part, the Fairbanks 2015 PM2.5  
23 Plan pursuant to section 110(k)(2)-(4) of Clean Air Act, 42 U.S.C. § 7410(k)(2)-(4), no later  
24 than August 28, 2017. (Dkt. No. 32 at 3-4.) In addition, the notice of final rulemaking had to be  
25 published in the Federal Register, and the issue of costs of litigation, including reasonable  
26 attorney fees, had to be resolved. (*Id.*)

1 On August 21, 2017, the U.S. Environmental Protection Agency ("EPA") signed a notice  
2 of final rulemaking on its proposal to approve the Fairbanks North Star Borough Moderate Area  
3 Attainment Plan for attainment of the 2006 24-hour fine particulate matter National Ambient Air  
4 Quality Standards. (Dkt. No. 41 at 1.) EPA published notice of that final rulemaking in the  
5 Federal Register on September 8, 2017. (*Id.*) The parties have resolved the issue of costs of  
6 litigation. (*Id.* at 2.) Plaintiffs do not oppose this motion. (*Id.*)

7 For the foregoing reasons, Defendants' motion to terminate the consent decree and  
8 dismiss the case (Dkt. No. 41) is GRANTED. The case is DISMISSED with prejudice.

9 DATED this 4th day of October 2017.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE